

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Ru-El Sailor,)	Case No. 1:20-CV-00660-DAR
)	
)	JUDGE DAVID A. RUIZ
)	
vs.)	
)	DEFENDANTS' OPPOSITION TO
City of Cleveland, et al.,)	<u>PLAINTIFF'S MOTION TO STAY</u>
)	
Defendants.)	

Introduction

Plaintiff has filed a Motion to Withdraw [[Doc. 82, PageID# 1316](#)], which Defendants do not oppose. However, contained within that Motion is a request that the case be stayed for six (6) months, so that Plaintiff Sailor has the opportunity to obtain new counsel. *Id.* Defendants do not agree that the case should be stayed.

Law and Argument

Rule 1 of the Federal Rules of Civil Procedure instructs that the rules “are to be construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding.” Justice delayed can be justice denied. *Condon v. Comm'r of Soc. Sec.*, No. 3:19 CV 2570, 2020 WL 9849763, at *1 (N.D.Ohio Dec. 18, 2020). That’s true in this case.

Defendants have filed a Motion to Dismiss Plaintiff’s Complaint [[Doc. 88](#)], as a sanction for his egregious and fraudulent conduct during this lawsuit, which includes perjury going to the heart of his case; namely, that the Defendant Police Officers withheld exculpatory evidence from the Cuyahoga County Prosecutor in violation of *Brady v. Maryland*. “*Brady* is concerned only with cases in which the government possesses information which the defendant does not.” *Jackson v. City of Cleveland*, 925 F.3d 793, 824 (6th Cir. 2019)(quoting *United States v.*

Graham, 484 F.3d 413, 417 (6th Cir. 2007)). However, the evidence uncovered by Defendants through discovery establishes, beyond a shadow of a doubt, that Plaintiff Sailor knew Cordell Hubbard murdered Omar Clark and the identity of his accomplice “Will.” **Doc. 88-1, PageID#s 1331-1332, 1335-1336.** Sailor knew from day one; the CDP Defendant Officers didn’t.

Conclusion

Given Plaintiff Sailor’s egregious and criminal conduct in this case, a six (6) month stay of the case is wholly unwarranted. Rather, a more appropriate Order is for the Court to extend existing deadlines for a period of 90 days. A 90 day extension provides Plaintiff Sailor a reasonable opportunity to consult with new counsel. Accordingly, the Motion for Stay should be denied.

Respectfully submitted,

/s/ John D. Latchney

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